

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62434 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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RAM BABU RAY @ RAM BABU RAI Son of Late Bittu Ray R/O Vill-
Ramaiya, P.S- Mohiuddin Nagar, Distt- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 406, 420/34 of the
Indian Penal Code.

As per allegation in the FIR, petitioner is a ward
member of Bhadaiya Panchayat has withdrawn a sum of Rs.
23,40,300/-- along with the ward secretary, namely, Manish
Kumar, from the Government Treasury, however, the work to be
carried out was firstly, not fully completed and secondly, the
work which had been carried out partly was sub-standard.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. It is not a



fact that no work was done and in fact most of the construction work under the scheme Mukhyamantri Gali Nali Scheme to be done has been carried out, nonetheless, considering the fact that the work in question has been alleged to have been done in a sub-standard manner, the petitioner is ready and willing to deposit a sum of Rs. 3,00,000/- (three lakh only) with the Nazarat of the learned trial court, for the purpose of grant regular bail. It is further submitted that similarly situated other accused persons has already been enlarged on bail vide order dated 13.01.2023 passed in Cr. Misc. No. 59396 of 2022.

Per contra, learned APP appearing for the State has opposed the prayer of Bail and submitted that two more cases are pending against the petitioner. He has further submitted that the length of the drain to be constructed under the scheme is 1800 feet, but only 1558 feet of drain was constructed and moreover, 4 inch thick PCC ought to have been laid below the drain but upon inspection it has been found to be having a thickness of only 2 inch.

The petitioner is directed to deposit Rs. 3,00,000/- (Rs. Three lakh) with the Nazarat of the Civil Court at Samastipur.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM, IV, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 58 of 2021.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 3,00,000/- with the concerned Nazarat.

The aforesaid payment will be subject to final adjudication of the matter.

(Sunil Kumar Panwar, J)

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